

From: gary miller
To: Microsoft ATR
Date: 1/10/02 9:52pm
Subject: Microsoft Settlement

Dear Dept of Justice:

Even though I am a Microsoft shareholder, I would like to express my alarm at the weakness of the proposed antitrust settlement the Dept of Justice has reached with Microsoft. The proposed settlement does nothing to prevent further monopolistic practices by Microsoft, has a glaring gap that will allow Microsoft to deny access to Windows APIs to open source software developers (e.g., Linux), and does nothing to curb monopolistic expansion into newer technologies by Microsoft, just as it did in the browser marketplace.

Microsoft's continued march to subsume new technologies (instant messaging, media players, e-commerce, etc) into Windows XP, its retention of the right to revert all OEM alternative desktop settings to Microsoft's own 14 days after purchase, and its continued refusal to admit any past misbehavior whatsoever all demonstrate that much stronger remedies are needed, and sooner rather than later.

I am particularly concerned over the provision in the federal government's settlement agreement that requires Microsoft to divulge Windows APIs only to competitors that Microsoft determines have a "valid business plan". Whether intended or not, one effect of this provision is to handicap the "open source" movement in ever inventing a rival technology that could work well enough with Windows to threaten Microsoft's own monopoly. Open source has hatched such technologies as the Linux OS and the latest incarnations of Netscape. Yet in their earliest stages, open source technologies rarely have a profitable business plan, so the settlement would not require Microsoft to share the APIs that would tell them how to make their applications run to best advantage on a Windows machine. Small wonder future Netscapes will appear clumsier than Explorer. Without API disclosure, Microsoft's technologies, whether inferior or not, come out of the gate with a prejudicial ability to integrate more smoothly with the Windows OS, and users will be discouraged from even trying alternative technologies. This element in the federal settlement nips any open source future rival in the bud.

At the very minimum, a settlement should require that:

- (1) Microsoft sell an "unbundled" or bare-bones version of Windows, without bundled applications not essential to the operation of the computer, as requested by the nine states' attorneys general in their ongoing settlement hearing;
- (2) Microsoft reveal ALL Windows API so that competing developers can

interact with the operation system efficiently, so that third parties could write an analog to, for example, the Passport technology that could work as well with Windows as Microsoft's version;

(3) Internet Explorer source code should be made public;

(4) Barring (3), Internet Explorer should conform to public standards in HTML, XML, Java, etc. Currently Microsoft has attempted to effectively propertize public standards by incorporating its own nonstandard extension of them into the Windows OS and Internet Explorer, in effect mandating use of Internet Explorer to, e.g., decipher Microsoft nonstandard Java pages on the Web. If Microsoft wishes to add its own extensions to public standards, it should do so as a browser plug-in only, and its extensions should also be provided as a plug-in for Netscape and other browsers as well, or else published.

Even though I personally own Microsoft stock, I personally find Microsoft's past behavior so egregious--and so much unchanged even after the upheld findings of monopoly practices--that I am ashamed. I hope you will join the other state attorneys general in pursuing substantial damages, and, especially, injunctions NOW against any future such behavior by Microsoft. Surely without suitable injunctions, while the settlement process drags on, Microsoft will only further entrench its current monopoly.

I only regret that Microsoft carries such influence in my own state (Washington) that my own attorney general has not joined the other states' case.

Sincerely,
Gary Miller
1707 W 9th Ave
Spokane WA 99204

PS. I would normally write a "real" letter in hopes of carrying more weight, but understand that public safety concerns make email more reliable.

"The greatest obstacle to communication is the
presumption it has already occurred."